

TAXATION LAW RESEARCH PROGRAMME (TLRP)
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Seminar

Legislation by Press Release: Hong Kong's New Stamp Duties – Why & How They Work

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Thursday, 8 January 2015, 12:30 – 1:30 pm
Academic Conference Room, 11/F Cheng Yu Tung Tower
The University of Hong Kong

When a government announces that an existing law will be amended and that the amendment, when finally enacted by the legislature, will be made effective from the announcement date, it is natural and inevitable that private entities will conduct their activities on the basis of the amended law immediately upon the announcement date, notwithstanding the announcement's lack of any formal legal effect. This practice of effecting immediate *de facto* legal changes is known derisively, but perhaps aptly, as "legislation by press release". This Seminar utilizes the recent use of legislation by press release to implement the Buyer's Stamp Duty, Seller's Stamp Duty and the Double Stamp Duty in Hong Kong as a case study to critically examine the legality and normative considerations of this increasingly common but under-theorized practice of giving *de facto* immediate effect to new regulatory taxes.

Jianlin Chen is assistant law professor at the University of Hong Kong. He obtained his LLB from National University of Singapore and LLM from University of Chicago, and is qualified to practice in Singapore and New York. Bilingual in English and Chinese, Jianlin published widely in law journals from U.S., U.K., Hong Kong, China and Singapore. His publications' seemingly diverse research areas of corporate law, securities regulations, insurance law, government procurement, natural resources management, historical conservation law, eminent domain, tax law, culture wars, law & religion is united by his research agenda of drawing on a combination of comparative perspectives and economic analysis (including public choice) to critically examine the unarticulated jurisprudential assumptions inherent in many areas of legal discourse. Jianlin teaches Economic Analysis of Law, Business Associations, Commercial Law, Guided Research and Contract. He also enjoys sharing legal insights and knowledge with local secondary school students via commissioned enrichment courses at the Hong Kong Academy for Gifted Education.

The Seminar will be conducted in English.

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email Flora Leung at fkleung@hku.hk to reserve a place.**